

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

WADE P. ADAMS,	§	
	§	
PLAINTIFF AND	§	
COUNTER-DEFENDANT,	§	
V.	§	CASE No. 3:20-CV-192-E-BK
	§	
U.S. BANK, NATIONAL ASSOCIATION	§	
AS TRUSTEE FOR THE RMAC TRUST,	§	
SERIES 2016-CTT,	§	
	§	
DEFENDANT AND	§	
COUNTER-PLAINTIFF,	§	
	§	
V.	§	
	§	
JANE A. ADAMS,	§	
	§	
THIRD PARTY DEFENDANT.	§	

**ORDER ACCEPTING FINDINGS, CONCLUSIONS AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

United States Magistrate Judge Renée Harris Toliver made findings, conclusions and a recommendation in this case. No objections were filed. The Court reviewed the proposed findings, conclusions and recommendation for plain error. Finding none, the Court **ACCEPTS** the Findings, Conclusions and Recommendation of the United States Magistrate Judge. The Motion to Dismiss (Doc. No. 6) filed by Plaintiff/Counter-Defendant Wade P. Adams and Third Party Defendant Jane A. Adams is **GRANTED IN PART** and **DENIED IN PART**. The motion is **DENIED** with respect to Defendant's judicial foreclosure counterclaim. The motion is **GRANTED** with respect to Defendant's breach of contract and fraud counterclaims. Defendant's

breach of contract and fraud counterclaims are **DISMISSED WITHOUT PREJUDICE** to Defendant filing an amended pleading curing the deficiencies noted in the Findings, Conclusions and Recommendation of the United States Magistrate Judge.

SO ORDERED this 11th day of August, 2020.

A handwritten signature in black ink, appearing to read 'Ada Brown', written over a horizontal line.

Ada Brown

UNITED STATES DISTRICT JUDGE